

**IN THE 45th JUDICIAL CIRCUIT COURT
LINCOLN COUNTY
STATE OF MISSOURI**

STATE OF MISSOURI, <i>ex rel.</i>)	
Attorney General ERIC S. SCHMITT,)	
)	
Petitioner,)	
)	
v.)	Case No. 21L6-CC00149
)	
CITY OF MOSCOW MILLS,)	
MISSOURI)	
)	
Respondent.)	

CONSENT JUDGMENT

Plaintiff, State of Missouri, at the relation of Attorney General Eric S. Schmitt, and Defendant City of Moscow Mills, Missouri, hereby consent to the entry of this Consent Judgment.

The Court has read Plaintiff's Petition for Declaratory and Injunctive Relief, in which Plaintiff alleges that certain actions taken by the Defendant constitute having a policy requiring or encouraging employees to issue a certain number of citations for traffic violations in violation of Sections 304.125 and 575.320.1(6), RSMo. The Court is satisfied that the provisions of this Consent Judgment are intended to resolve the issues raised by the Petition, and that the parties want to terminate this controversy and consent to the entry of this judgment without trial.

This Consent Judgment is made, agreed upon, and submitted to the Court for the purpose of settlement only, and upon the condition that the Court approves it in its entirety. In the event the Court does not approve of this Consent Judgment in its entirety and as agreed by the parties, it shall be null and void and have no effect in

this or any other proceeding. The parties understand and agree that each and every term of this Consent Judgment shall be enforceable by order of this Court, and to that end, the Court retains jurisdiction of the matter in order to enforce each and every term of this Consent Judgment. The Court finds that the terms of this Consent Judgment protect the public's interest.

The parties hereto, having consented to the entry of this Consent Judgment, now therefore, before the taking of any testimony and upon the pleadings, it is hereby ORDERED, ADJUDGED, AND DECREED that:

I. Jurisdiction and Venue

1. This Court has subject matter and personal jurisdiction over this action under Art. V, § 14 of the Missouri Constitution and § 506.500, RSMo. Venue is proper pursuant to § 508.050, RSMo.

II. Definitions

2. The following terms used herein are specifically defined:
 - a. "Consent Judgment" or "Judgment" means the Consent Judgment and all attachments, which are included by reference and fully enforceable as a term of the judgment.
 - b. "Defendant" means the City of Moscow Mills, Missouri.
 - c. "Plaintiff" means the State of Missouri at the relation of Attorney General Eric S. Schmitt.
 - d. "Parties" means both the Plaintiff and Defendant in this lawsuit.

- e. “Petition” or “Lawsuit” refers to the Petition for Declaratory and Injunctive Relief filed in the Circuit Court of Lincoln County, Missouri, Civil Division, Case No. 21L6-CC00149.

III. Parties Bound

3. The provisions of this Consent Judgment shall be binding upon the parties to this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties in this action or their agents, servants, employees, heirs, successors, and agents. Defendant shall provide a copy of this order to all persons or entities retained to perform work required by this order.

IV. General Provisions

4. In 2021, the State of Missouri received information of purported violations of Missouri law committed by the City of Moscow Mills from individuals familiar with the Moscow Mills Police Department’s internal operations.
5. On November 18, 2021, the State of Missouri filed a Petition for Declaratory and Injunctive Relief in the Circuit Court of Lincoln County, Missouri, Civil Division, Case No. 21L6-CC00149.
6. The Petition alleged that the City of Moscow Mills and the Moscow Mills Police Department created a new “traffic enforcement officer” position for the explicit purpose of generating additional municipal revenue. The City denies this allegation.

7. The Petition alleged that the City of Moscow Mills, through a verbal policy issued by its chief of police, instructed the traffic enforcement officer to write at least ten (10) citations per day and the remaining officers to write at least five (5) citations per month. The City denies this allegation.
8. The Petition alleged that the City of Moscow Mills, through a verbal policy issued by its chief of police, instructed the traffic enforcement officer to write at least 160 citations per month—excluding December and January—in order to secure \$160,000 in court citation revenue per year. The City denies this allegation.
9. The Petition alleged that Defendant’s conduct violates Section 304.124, RSMo., which provides in relevant part: “No political subdivision or law enforcement agency shall have a policy requiring or encouraging an employee to issue a certain number of citations for traffic violations on a daily, weekly, monthly, quarterly, yearly, or other quota basis.”
10. The Petition alleged that Defendant’s conduct violates Section 575.320.1(6), RSMo., which provides in relevant part: “A public servant, in his or her public capacity or under color of his or her office or employment, commits the offense of misconduct in administration of justice if he or she ... (6) Orders or suggests to an employee of a political subdivision that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly, or other quota basis or that such employee shall increase the number of traffic citations that he or she is currently issuing.”

11. The City of Moscow Mills denies such alleged wrongdoing and/or knowledge of any wrongdoing by its employee(s). The City of Moscow Mills agrees and admits that having any policy as alleged in the State's Petition requiring or encouraging employees to issue a certain number of citations for traffic violations would be in violation of Sections 304.125 and 575.320.1(6), RSMo.
12. The State of Missouri and the City of Moscow Mills desire to settle the matters raised in the Lawsuit in accordance with the terms and conditions contained herein.
13. The objectives of the Parties to this Consent Judgment is to ensure that the public is protected against conduct that would constitute having a police department requiring or encouraging employees to issue a certain number of citations for traffic violations in violation of Sections 304.125 and 575.320.1(6), RSMo.

V. Satisfaction and Reservation of Rights

14. Upon the completion of all terms of this Consent Judgment, Plaintiff agrees that his office will not pursue further civil or criminal actions against Defendant, its agents, servants, and employees for the violations alleged in Plaintiff's Petition.
15. This Consent Judgment shall not be construed to limit the rights of Plaintiff to obtain penalties or injunctive relief under other federal or state laws or regulations, except as expressly stated in the preceding paragraph of this

Consent Judgment. Without limiting the foregoing, the Parties expressly agree that:

- a. Nothing in this Consent Judgment shall prevent Plaintiff from applying to this Court for further orders or relief if violations of this Consent Judgment occur.
- b. Nothing in this Consent Judgment shall preclude Plaintiff from seeking equitable or legal relief for violations of any Missouri laws or regulations concerning matters that were not specifically or generally alleged in the Petition.
- c. Nothing in this Consent Judgment shall preclude Plaintiff from seeking equitable or legal relief for future violations of Section 304.125 and 575.320.1(6), RSMo, or regulations promulgated thereunder.

VI. Injunctive Relief

16. Defendant agrees and is ordered to comply with Sections 304.125 and 575.320.1(6), RSMo.

17. In compromise and satisfaction of the claims set forth in Plaintiff's Petition, Defendant agrees to the following injunctive relief:

- a. Defendant agrees to eliminate the traffic enforcement officer position that is now vacant.
- b. Defendant agrees to develop, establish, and maintain adequate internal policies, procedures, regulations, ordinances, or other operating rules designed to ensure compliance with Sections 304.125 and 575.320.1(6),

- RSMo. No later than April 1, 2022, Defendant shall certify compliance to the State of Missouri and provide a copy of any documents evidencing adequate internal policies, procedures, regulations, ordinances, or other operating rules designed to ensure compliance with Sections 304.125 and 575.320.1(6), RSMo.
- c. No later than May 1, 2022, Defendant shall design and operate a training program to ensure compliance with Sections 304.125 and 575.320.1(6), RSMo. The training program shall be no less than ninety (90) minutes in length. Topics to be discussed shall include: (a) the legal requirements of Sections 304.125 and 575.320.1(6), RSMo, and (b) the requirements and purpose of Senate Bill 5 in 2015, Senate Bill 572 in 2016, and Senate Bill 765 in 2016. The training shall be attended by the mayor, all members of the board of aldermen, and the chief of police. No later than May 21, 2022, the Defendant shall certify to the State that the program has been completed.
- d. Defendant agrees to submit to, and cooperate with, a review conducted by the Office of the Missouri Attorney General occurring one year after this Consent Judgment is approved by the Court. The review will examine the Defendant's ticketing policies and practices; the number of tickets issued by Defendant, including annually, monthly, daily, and by officer for the year since the Consent Judgment was approved; and audit the Defendant's ticket revenue generated through Defendant's municipal court system to

ensure ongoing compliance with state laws and this Consent Judgment. Defendant agrees to provide all information requested by the Office of the Missouri Attorney General to conduct its review, including any documents or interviews.

VII. Stipulated Penalties

18. If Defendant: (1) fails to comply with Sections 304.125 and 575.320.1(6), RSMo, at any point within three years of the effective date of this agreement; or (2) fails to develop, establish, and maintain the internal policies, procedures, regulations, ordinances, or other operating rules as specified in paragraph 17; or (3) fails to implement the training program as specified in paragraph 17; or (4) fails to file the certifications required under paragraph 17; or (5) fails to cooperate with the Attorney General's policy review as specified in paragraph 17, then the City of Moscow Mills shall be liable to the State of Missouri for one hundred dollars (\$100) per day of non-compliance, and the State of Missouri may pursue legal action substantially similar to the Lawsuit and other just actions as appropriate.
19. Stipulated penalties shall be due and payable within ten days of demand being made by the Attorney General's Office. Defendant shall pay stipulated penalties by check payable to the "State of Missouri" and mailed, along with a copy of the stipulated penalty demand letter, to the following: "Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City,

MO 65201-0899.” That check will be deposited and processed in accordance with the Consent Judgment and Missouri law.

20. The inclusion of stipulated penalty provisions in this Consent Judgment, and the payment of stipulated penalties, does not limit the State’s ability to pursue other penalties for the same act; where a violation of this Consent Judgment also constitutes a violation of a statute, stipulated penalties may be collected in addition to statutory penalties imposed for those violations.

VIII. Modification

21. Except as otherwise specified herein, this Consent Judgment may be modified or amended only upon written agreement by and among the parties, their successors and assigns, and with the approval of the Court. All modifications shall be in writing and filed with the Court.

IX. Costs

22. Each party shall bear their own attorneys’ fees, costs, and litigation expenses incurred as a result of the investigation or litigation of the lawsuit, and neither party shall have any financial responsibility of the attorney’s fees, court costs, and litigation expenses incurred by the other side.

The Parties hereby consent to this Consent Judgment through their duly authorized representatives.

STATE OF MISSOURI

Maddie M. Green

Maddie M. Green
Assistant Attorney General for Special Litigation
Counsel for Plaintiff

CITY OF MOSCOW MILLS, MISSOURI

Tim Reichardt

City of Moscow Mills, Missouri
By Tim Reichardt, Counsel for Defendant

Cynthia Davenport

Cynthia Davenport
City Attorney, City of Moscow Mills, Missouri

Patrick W. Flannigan

Patrick Flannigan
Mayor, City of Moscow Mills, Missouri

SO ORDERED,

Gregory K. Allsberry

Hon. Gregory K. Allsberry, Circuit Judge